

Minutes - Board Meeting – 08/11/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 11, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Village Treasurer Giacomo Ciccone

Press Observers: *Williston Times*

Sunshine Observers: 6 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:37 PM

A Public Hearing was held at 6:37 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF KAVITA SACHDEV FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” AND SECTION 550-16 ENTITLED “M DISTRICT” TO ESTABLISH A GYM/PERSONAL TRAINING STUDIO UPON THE PROPERTY KNOWN AS 393 SAGAMORE AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 338, LOTS 673-685.

No speakers addressed the Board

Resolution 208-21

Resolved to declare the Special Use Application of Kavita Sachdev for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-12 entitled “B-1 Districts”, Subsection (B) entitled “Special Uses” and Section 550-16 entitled “M District” for the purpose of establishing a gym/personal training studio upon the property known as 393 Sagamore Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 338, Lots 673-685, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution 209-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

KAVITA SACHDEV

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12.B and 550-16 of the Code of the
Incorporated Village of Mineola, at premises known as
393 Sagamore Avenue, Mineola, New York, known
and designated on the Nassau County Land and Tax
Map as Section 9, Block 338, Lots 673-685.

-----X

NAME OF APPLICANT:	Kavita Sachdev
SUBJECT PROPERTY:	Section 9, Block 338, Lots 673-685
STREET LOCATION:	393 Sagamore Avenue Mineola, New York 11501
ZONING DISTRICT:	"M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and 550-16 to establish a gym/personal training studio upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 11, 2021
APPEARANCE:	Kavita Sachdev, owner

DECISION:

Kavita Sachdev (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.12 and 550.16 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a gym/personal training studio upon the property known as 393 Sagamore Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 338, Lots 673-685) (hereinafter, the "Property").

By Notice of Disapproval, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a gym/personal training studio upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to establish a gym/personal training studio upon the property known as 393 Sagamore Avenue, Mineola, New York;
- 2) Classes will be one-on-one training;
- 3) Applicant will not be preparing, cooking and/or selling food upon the Property; and
- 4) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "M" District, will conform to the general character of the neighborhood, and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) The operation of the facility shall be self-contained within the interior of the building;
- 2) If Applicant installs any weight-lifting equipment, Applicant shall install and maintain reinforced rubber padding to mitigate noise and vibrations in all areas where weight-lifting equipment is located;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 5) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and

- 6) Violation of a condition set forth in this Special Use Permit shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
August 11, 2021

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 6:55 PM

Sunshine Observers: 4 Observers

A Public Hearing was held at 6:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF DISAPPEARING INC. FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” AND SECTION 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH A LASER TATTOO REMOVAL FACILITY UPON THE PROPERTY KNOWN AS 169 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 403, LOT 26.

No speakers addressed the Board

Resolution 210-21

Resolved to declare the Special Use Application of Disappearing Inc. for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-12 entitled “B-1 Districts”, Subsection (B) entitled “Special Uses” and Section 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing a laser tattoo removal facility upon the property known as 169 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 403, Lot 26, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution 211-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

DISAPPEARING, INC.

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12.B and 550-13.A(1)of the Code of the
Incorporated Village of Mineola, at premises known as
169 Mineola Boulevard, Mineola, New York, known
and designated on the Nassau County Land and Tax
Map as Section 9, Block 403, Lot 26.
-----X

NAME OF APPLICANTS:	Disappearing Inc.
SUBJECT PROPERTY:	Section 9, Block 403, Lot 26
STREET LOCATION:	169 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and 550-13.A(1) to laser tattoo removal facility upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 11, 2021
APPEARANCES:	Rob Harris, Owner

DECISION:

Disappearing Inc. (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550,
Section 550.12.B and 550.13.A(1) of the Municipal Code of the Incorporated Village of Mineola,
for a special use permit to establish a laser tattoo removal facility upon the property known as 169
Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and
Tax Map as Section 9, Block 403, Lot 26) (hereinafter, the “Property”).

By Notice of Disapproval, dated June 23, 2021, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a laser tattoo removal facility upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to establish a laser tattoo removal facility upon the property known as 169 Mineola Boulevard, Mineola, New York;
- 2) The business operation is exclusively tattoo removal;
- 3) Applicant anticipates having up to four (4) clients per hour;
- 4) Applicant anticipates two (2) employees each day; and
- 5) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-2" District, will conform to the general character of the neighborhood, and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) The business operation will be solely for laser tattoo removal;
- 2) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 3) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and
- 4) Violation of a condition set forth in this Special Use Permit shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
August 11, 2021

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss requested a motion to close the hearing at 7:30 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 7:30 PM.

PRESENT:

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT:

Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Village Treasurer Giacomo Ciccone

Press Observer: *Williston Times*

Sunshine Observers: 3 Observers

Resolution No. 212-21

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 213-21

Resolved to approve the following budget transfers in the Library Fund for FY 2020/2021:

ACCOUNT	ACCOUNT NUMBER	INCREASE	DECREASE
Personal Services	30-7410-100-00	\$21,667.55	
Personal Services-Professionals	30-7410-100-02	\$55,403.48	
Books – Adults	30-7410-200-03	\$5,263.41	
Reference Books	30-7410-200-10	\$6.39	
Supplies – Miscellaneous	30-7410-406-18	\$960.06	
ALIS – Borrowing Charge	30-7410-407-00	\$24.95	
Telephone	30-7410-418-00	\$1,602.08	
Legal Costs Library	30-7410-432-00	\$2,916.00	
Service Contract	30-7410-455-01	\$1,358.45	
Repairs – Buildings	30-7410-455-07	\$3,687.34	
Health and Medical Insurance	30-7410-836-00	\$1,440.58	
Contingency	30-7410-465-00		\$94,330.29
	TOTAL	\$94,330.29	\$94,330.29

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 214-21

Resolved to approve the following budget transfers in the Water Fund for FY 2020/2021:

ACCOUNT	ACCOUNT NUMBER	INCREASE	DECREASE
Contractual Personal Services	20-8310-400-00	\$22,031.13	
Stationery & Printing	20-8310-404-00	\$6,902.92	
Repairs – Equipment	20-8310-455-13	\$874.31	
Repairs – Mains	20-8310-455-25	\$23,199.99	
Repairs – Plumbing	20-8310-455-35	\$373.93	

Repairs – Service Contracts	20-8310-455-38	\$144.94	
Repairs – Service Materials	20-8310-455-39	\$1,910.64	
Repairs – Well #1	20-8310-455-50	\$96,983.86	
Repairs – Well #4	20-8310-455-52	\$19,858.88	
Postage	20-8310-471-00	\$1,474.61	
Personal Services	20-8310-100-00		\$10,902.84
Payment – MTA Payroll Tax	20-8310-198-04		\$51.28
Equipment	20-8310-200-00		\$715.00
Oil Heat Costs	20-8310-405-00		\$1,671.82
Supplies – Chemicals	20-8310-406-04		\$31,384.56
Supplies – Miscellaneous	20-8310-406-18		\$1,236.78
Alarm System	20-8310-420-01		\$2,200.00
Leak Detection	20-8310-435-01		\$3,500.00
Repairs – Buildings	20-8310-455-07		\$3,817.59
Repairs – Control Panel	20-8310-455-09		\$1,012.50
Repairs – Electrical	20-8310-455-12		\$10,694.15
Repairs – Generator Maintenance	20-8310-455-19		\$6,500.00
Repairs – Hydrants	20-8310-455-21		\$4,874.26
Repairs – Meters	20-8310-455-27		\$4,018.39
Repairs – Street Openings	20-8310-455-44		\$15,000.00
Repairs – Trucks	20-8310-455-47		\$2,471.89
Repairs – Valves and Boxes	20-8310-455-49		\$2,443.27
Repairs – Well #3	20-8310-455-51		\$4,825.00
Repairs – Well #5	20-8310-455-53		\$4,566.99
Repairs – Well #6	20-8310-455-54		\$3,310.83
Repairs – Well #7	20-8310-455-55		\$3,691.18
Repairs – Miscellaneous	20-8310-455-99		\$1,572.44
Dues & Conferences	20-8310-480-00		\$2,283.00
Social Security	20-8310-833-00		\$200.28
Health Insurance	20-8310-836-00		\$48,696.52
Disability Insurance	20-8310-837-00		\$209.06
Legal Fund	20-8310-839-00		\$382.50
Dental Insurance	20-8310-840-00		\$1,514.40
Eye Glass Union	20-8310-845-00		\$8.68
	TOTAL	\$173,755.21	\$173,755.21

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Village Attorney John P. Gibbons, Jr. presented the following resolution:

Resolution No. 215-21

RESOLVED, that the Incorporated Village of Mineola agrees to extend the Site Access Agreement with 3rd Track Constructors (3TC) at the Mineola DPW Yard from August 17, 2021 to and including October 17, 2021 upon the same terms and conditions; and it is further

RESOLVED, that the Mayor is authorized to execute the Site Access Extension Agreement on behalf of the Village of Mineola.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:33 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Respectfully submitted,

Joseph R. Scalero
Village Clerk